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DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Guillermo LOPEZ-Daniel** Defendant.	Magistrate Case No. '08 MJ 0887
	COMPLAINT FOR VIOLATION OF
	Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation

The undersigned complainant being duly sworn states:

On or about, within the Southern District of California, defendant, **Guillermo LOPEZ-Daniel** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Erika RESENDIZ de Soria**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21st** DAY OF **MARCH, 2008**.

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Erika RESENDIZ de Soria** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 19 2008, at approximately 2215 hours, **Guillermo LOPEZ-Daniel (Defendant),** applied for admission to the United States through the vehicle primary lanes of the San Ysidro, California Port of Entry. Defendant was the driver of a 1997 Mercury sedan bearing Baja California, Mexico license plates when a Customs and Border Protection (CBP) Narcotics/Human Detector Dog (N/HDD) alerted to the vehicle. Defendant gave a CBP Officer two negative customs declarations, claimed ownership of the vehicle and stated his intention of traveling to San Ysidro, California. The CBP Officer noticed visible alterations to the gasoline tank of the vehicle and also smelled a strong odor of gasoline emanating from inside the vehicle. The CBP Officer referred the Defendant and the vehicle to secondary for further inspection.

In secondary, a female was discovered concealed inside a non-factory compartment in the area where the gasoline tank would be normally located. CBP Officers removed the rear bench seat of the vehicle and assisted the female from the compartment. The female was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as **Erika RESENDIZ de Soria (Material Witness)**.

During a videotaped interview, Defendant was advised of his Miranda rights and elected to answer questions without an attorney present. Defendant admitted knowledge of the concealed undocumented person in compartment of the vehicle. Defendant admitted he was to be paid $300.00 to smuggle the Material Witness into the United States. Defendant stated he was to take the vehicle and the Material Witness to Chula Vista, California.

A videotaped interview was conducted with the Material Witness. Material Witness admitted she is a citizen of Mexico by virtue of her birth in Queretaro, Mexico. Material Witness admitted she does not have legal documents or entitlements to enter the United States. Material Witness stated that she was to pay $2,500 USD to be smuggled into the United States. Material Witness admitted she was going to Escondido, California to resume residency and seek employment.